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Contents

Acts adopted pursuant to Title VI of the Treaty on European Union

96/601/JHA:

- ★ Council Decision of 14 October 1996 on measures implementing Article K.1 of the Treaty on European Union 1

96/602/JHA:

- ★ Joint action of 14 October 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union providing for a common framework for the initiatives of the Member States concerning liaison officers 2

(Acts adopted pursuant to Title VI of the Treaty on European Union)

COUNCIL DECISION

of 14 October 1996

on measures implementing Article K.1 of the Treaty on European Union

(96/601/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

Member States only for the areas covered by Article K.1 (7) to (9) of the Treaty.

Having regard to the Treaty on European Union, and in particular Articles K.3 (2) (b) and K.8 (2) thereof,

Article 4

Having regard to the Joint Action of 25 September 1995 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on measures implementing Article K.1 of the Treaty ⁽¹⁾,

The Commission shall examine the requests submitted. On the basis of its findings, the projects adopted and the funding granted for them shall be determined within a group comprising Member States' representatives

HAS DECIDED AS FOLLOWS:

Article 5

Article 1

In the general budget of the European Communities, an appropriation of ECU 1 369 000, carried forward from 1995, is intended for the financing of selected cooperation projects designed to implement the provisions of Title VI of the Treaty on European Union. These projects will cover mainly cooperation measures with States engaged in a structured dialogue with the European Union, and with Latin America, including the Caribbean, to combat drugs.

The Commission shall be responsible for the implementation of expenditure to finance these projects in accordance with the Treaty establishing the European Community.

Article 6

This Decision shall enter into force on the day of its adoption.

It shall apply until 31 December 1996.

Article 2

The projects may take the form of training, the collection and exchange of information and experience, seminars, studies, publications or other operational measures in support of European Union cooperation activities.

Article 7

This Decision shall be published in the Official Journal.

Done at Luxembourg, 14 October 1996.

Article 3

Projects for which funding is requested shall be proposed by the Member States or the Commission for the areas covered by Article K.1 (1) to (6) of the Treaty and by the

For the Council

The President

R. QUINN

⁽¹⁾ OJ No L 238, 6. 10. 1995, p. 1.

JOINT ACTION

of 14 October 1996

adopted by the Council on the basis of Article K.3 of the Treaty on European Union providing for a common framework for the initiatives of the Member States concerning liaison officers

(96/602/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and, in particular, Article K.3 (2) (b) thereof,

Having regard to the initiative of the Italian Republic,

Recalling the recommendations adopted by the Ministers for Justice and Home Affairs at their meeting in Luxembourg on 13 June 1991;

Recalling the provisions on liaison officers contained in the comprehensive action plan to combat drugs adopted by the Madrid European Council on 15 and 16 December 1995;

Whereas liaison officers, posted by Member States in view of their national strategic needs, play a role of paramount importance in cooperation in preventing and combating all forms of international crime, pursuant to Article K.1 (9) of the Treaty, including organized crime;

Taking into account the outcome of the surveys of the liaison officer networks of the Member States;

Assessing existing cooperation practices between Member States concerning liaison officers as positive;

Whereas it is particularly useful to develop concerted initiatives in this field, with a view to more rapid and effective cooperation between law enforcement agencies in combating organized crime;

Taking into account the need to develop cooperation between Member States and the States which have concluded Association Agreements with the Community and its Member States, and, in particular, the States taking part in the structured dialogue and other third States;

Taking into account the undertakings on the subject of liaison officers agreed on with the Andean Pact countries following the joint declaration of 25 September 1995;

Whereas this joint action does not prejudice the forms of cooperation existing between some Member States and third States;

Whereas it is possible for the financing of initiatives of common interest provided for by the Treaty and relating to liaison offices to be charged to the budget of the European Communities;

Having noted the need to define a helpful and effective framework for coordinating ongoing and future initiatives,

HAS ADOPTED THIS JOINT ACTION:

*Article 1***Concertation regarding liaison officers**

Member States which make use, or intend to make use, of liaison officers shall establish, by this joint action, a reference framework for the development of concerted initiatives in this field, with a view to making cooperation among themselves and with third States more rapid and effective in preventing and combating all forms of international crime pursuant to Article K.1 (9) of the Treaty, including organized crime.

*Article 2***Tasks of liaison officers**

1. Liaison officers shall facilitate and expedite the collection and exchange of information through direct contacts with law enforcement agencies and other competent authorities in the host State.

2. Liaison officers shall also contribute to the collection and exchange of information, particularly of a strategic nature, which may be used for the improved adjustment

of measures to combat the forms of crime referred to in Article 1, including information providing a reader knowledge of the legal instruments and operational methods available in the States concerned.

3. Liaison officers shall carry out their tasks within the framework of their responsibilities and in compliance with the provisions, including those on the protection of personal data, laid down in their national laws and in any agreements concluded with host States.

Article 3

Exchange of information

1. Member States shall inform one another, in the framework of the Council, of the steps taken in relation to the posting of liaison officers, and of the duties assigned to them.

2. To this end, Member States shall supply the General Secretariat of the Council each year with information, including information on programming, relating to respective liaison officer networks, in accordance with agreed criteria.

Article 4

Development of liaison officer networks in third States

1. When identifying priorities for the liaison officers to third States, Member States shall take account of the guidelines laid down in the Berlin Declaration of 8 September 1994, of cooperation needs under the structured dialogue established with the States concerned or of needs peculiar to certain strategic areas which border on the European Union and to other regions of increasing strategic interest.

2. Particular attention shall be paid to the regions that are the most sensitive on account of a higher incidence of the most serious forms of transnational crimes.

3. When identifying the duties to be assigned to their liaison officers, Member States may take into account the tasks already being performed in the same regions of geographical areas by liaison officers posted by other Member States.

4. On the basis of specific agreements, each Member State may arrange for its liaison officers posted to third States to be used for the benefit of other Member States, especially in geographical areas not adequately covered.

Article 5

Cooperation through liaison officers in third States

1. Member States shall provide for liaison officers posted to third States to exchange, as required and on a regular basis, the information obtained on significant general issues or issues of common interest and to take common initiatives if the Member States concerned deem this necessary.

2. Liaison officers posted to the same third State shall assist one another in the performance of their respective duties, subject to agreements to this end between the Member States of origin concerned.

3. In accordance with instructions received, liaison officers posted to third States shall provide their national authorities with information relating to criminal threats to other Member States not represented there by their own officers. National authorities shall assess, according to the seriousness of the threat, whether the States concerned should be informed.

4. In compliance with national laws and for extraordinary requests which cannot be dealt with through existing international information channels, a Member State which has no liaison officers in a third State may request information from a Member State that has posted a liaison officer to that third State. The requested State shall examine the request in complete independence and, if it agrees to it, shall forward it to its liaison officer in the third State concerned.

Article 6

Activities of liaison officers in the Member States after the implementation of Europol

With a view to optimizing their liaison officer resources deployed within the European Union, Member States shall endeavour to review their respective policies on the posting and the duties of such officers, where necessary taking into account the tasks carried out by the European Police Office in accordance with the Europol Convention.

Article 7

Joint seminars for liaison officers

1. With a view to enhancing collaboration among liaison officers in certain regions, Member States may promote the organization of joint seminars by reason of specific needs for knowledge and intervention in the

regions in question and regarding crime trends and the most effective methods of law enforcement.

2. Participation in these seminars must not hinder the performance of the duties assigned to liaison officers.

Article 8

Cooperation between liaison officers of the various authorities of the Member States

1. Member States having liaison officers belonging to different authorities shall ensure appropriate forms of cooperation between those officers in the framework of the respective institutional tasks.

2. In this case, Member States shall encourage:

- contacts between the authorities which post and manage liaison officers,
- suitable coordination of information on the posting of those liaison officers,
- contacts between those liaison officers in the States to which they are posted.

Article 9

Financing

1. Costs relating to the training, posting and activity of their liaison officers shall be charged to the Member States.

2. However, operational costs relating to the initiatives referred to in Article 7 may be charged to the budget of the European Communities, in accordance with Article K.8 of the Treaty.

Article 10

Final provisions

1. This joint action shall enter into force on the day of its adoption.

2. This joint action shall be published in the Official Journal.

Done at Luxembourg, 14 October 1996.

For the Council

The President

R. QUINN
